

REMARKS

Claims 1-16 were pending in the application. Claims 1-16 have been amended. No claims have been added or cancelled. Therefore, claims 1-16 remain pending and are resubmitted for consideration.

35 U.S.C. § 112 Rejection

Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-16 have been amended as appropriate. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

Double Patenting - Løset

Claims 1-16 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,114,885 (hereinafter “Løset”). Applicants respectfully traverse this rejection. Løset fails to teach or suggest a riser that is provided with, among other things, “a stretching or tensioning means attached to a lower end of the protection means” as called for in the claims.

Løset discloses a riser 18 and a riser socket 22. There is no disclosure in Løset that the riser socket 22 is a “stretching or tensioning means.” Rather, the riser socket is an attachment from the riser 18 to the sea bed level at the bottom installation 24. The riser socket 24 serves to close an opening in the top slab 25 of the bottom installation. Thus, Løset does not teach or suggest each and every element of the claims. Furthermore, it would not be obvious to provide a “stretching or tensioning means” on the riser 18 of Løset. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. § 102(e) Rejections - Løset & Wipo ‘895

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Løset. Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by WO 2004/028895 (hereinafter “Wipo ‘895”). The rejections should be withdrawn for at least the following reasons. Applicants respectfully note that the rejection under 35 U.S.C. § 102(e) is improper.

Løset and Wipo '895 are prior art under 35 U.S.C. § 102(e) and are commonly owned with the present application. Løset, Wipo '895, and the present application are assigned to Statoil Asa. Thus, under 35 U.S.C. § 103(c), Løset and Wipo '895 are disqualified as prior art.

35 U.S.C. § 102 Rejection –Butler

Claims 1, 2, 4, 6, 7, 8, 9, and 11-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,169,265 (“Butler”). The rejection should be withdrawn for at least the following reasons.

Butler fails to teach or suggest a flexible riser that comprises, among other things, a riser being configured to be lowered to a submerged, protected position below the sea surface and a submerged riser protection means for protecting the riser “when the riser is connected to the vessel, such protection means covering at least an upper part of the riser ... the protecting means further being provided with a stretching means or a tensioning means attached to a lower end of the protection means,” as called for in claim 1.

The Examiner contends that Butler discloses a riser 14 with a protection means 60 and a stretching or tensioning means 26, 32, 44, and/or 46. *See* Office Action at p. 4. However, element 60 refers to fire protection jackets and not a means to protect the riser when *submerged* from impact. *See* Butler at col. 5, lines 37-48. The fire protection jackets 60 appear to be installed above the sea level and are not submerged. *See* Butler at col. 1, lines 58-61 and col. 2, line 21. There would be no need for such fire protection of parts of the riser submerged in water. In addition, Butler fails to teach or suggest a stretching or tensioning means that is “attached to a lower end of the protection means.” Butler merely discloses a tension cylinder 26 attached to a tensioner ring 36. *See* Butler at Fig. 1. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 2, 4, 6, 7, 8, 9, and 11-16 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

35 U.S.C. § 103 Rejection – Butler & Ortloff

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,031,919 (hereinafter “Ortloff”). The rejection should be withdrawn for at least the following reasons.

Claim 3 depends from claim 1. Butler and Ortloff, taken together or separately, fail to teach or suggest each and every element of the claims. Butler fails to teach or suggest a submerged riser protection means or a stretching or tensioning means attached to a lower end of the riser protection means as called for in claim 1. Ortloff fails to cure the deficiencies of Butler. The Examiner contends that Ortloff discloses a riser protection means being suspended from a turret buoy. *See* Office Action at p. 5. However, Ortloff merely discloses a self-standing riser 20 that extends from a buoyancy chamber 23. There is no disclosure of Ortloff of a riser protection means extending from a buoy. Furthermore, even if Butler was modified to have the riser suspended from a buoy as taught by Ortloff, the result would not be of a submerged riser protection means suspended from a submerged turret buoy. Rather, the resulting combination would have a fire protection mechanism above the water and a submerged part that does not have a riser protection means. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

35 U.S.C. § 103 Rejection – Butler & Poldervaart

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 4,782,781 (hereinafter “Poldervaart”). The rejection should be withdrawn for at least the following reasons.

Claim 5 depends from claim 1. Butler and Poldervaart, taken together or separately, fail to teach or suggest each and every element of the claims. Butler fails to teach or suggest a submerged riser protection means or a stretching or tensioning means attached to a lower end of the riser protection means as called for in claim 1. Poldervaart fails to cure the deficiencies of Butler. Poldervaart merely discloses a riser with a quick action coupling device 5 between the riser 2 and a ship 1. Poldervaart does not disclose a submerged riser protection means. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103 Rejection – Butler & Bennett

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Butler in view of U.S. Patent No. 2,419,053 (“Bennett”). The rejection should be withdrawn for at least the following reasons.

Claim 10 depends from claim 1. Butler and Bennett, taken together or separately, fail to teach or suggest each and every element of the claims. Butler fails to teach or suggest a submerged riser protection means or a stretching or tensioning means attached to a lower end of the riser protection means as called for in claim 1. Bennett fails to cure the deficiencies of Butler. Bennett merely discloses a buoyant cable device. The device includes a core member 22 with a conductor 5 surrounded by floats 26. *See* Bennett at col. 3, lines 39-62 and Fig. 8. Thus, Bennett merely discloses a surrounding device that is not submerged. Furthermore, Bennett fails to disclose a submerged riser protection means. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 10, 2007

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By Jessica M. Cahill Reg. #56,986
for

William T. Ellis
Attorney for Applicant
Registration No. 26,874